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6 ROY JOHNSON,

7 Plaintiff,

8 No. C 10-04633 JSW

9 v.

10 COUNTY OF MONTEREY,

11 Defendant.

12 **ORDER DISCHARGING ORDER**
13 **TO SHOW CAUSE**

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15 This matter is set for a hearing on February 24, 2012 on Defendants' motion to dismiss
16 Plaintiff's First Amended Complaint or, in the alternative, for summary judgment, and motion
17 to strike prayer for punitive damages. On January 5, 2012, this Court issued an order to show
18 cause to Plaintiff as to why this case should not be dismissed for failure to prosecute. However,
19 upon further review of the record, the Court finds that Plaintiff opposed the motion to dismiss
20 while the case was pending before Judge Fogel and that the motion is fully briefed. The Court
21 therefore DISCHARGES the order to show cause. No further submissions are required from
22 either party.

23 **IT IS SO ORDERED.**

24 Dated: January 17, 2012

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JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE
By: HONORABLE JAMES WARE